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-and-

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Attorneys for Plaintiff
WILLIAM I. KOCH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM I. KOCH, an individual,	:
	:
Plaintiff,	:
	:
vs.	:
	:
ERIC GREENBERG, an individual; ZACHYS	:
WINE & LIQUOR STORE, INC., a New York	:
corporation; and ZACHYS WINE AUCTIONS,	:
INC., a New York corporation.	:
	:
Defendants.	:
	:
-----	X

07 Civ. 9600 (BSJ) (DCF)
ECF Case

Hon. Barbara S. Jones

**DECLARATION OF BRUCE A. WESSEL IN OPPOSITION TO
DEFENDANT GREENBERG'S MOTION TO DISMISS**

I, BRUCE A. WESSEL, declare as follows:

1. I am a partner in Irell & Manella, LLP ("Irell"), counsel for plaintiff William I. Koch. I am a member in good standing of the State Bar of California, and am admitted *pro hac vice* in this case. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. On November 28, 2007, the Newport Beach office of our firm received a letter from Arthur Shartsis enclosing a check from Eric Greenberg proposing a settlement of this action.

3. I work in the Los Angeles office of our firm. On December 12, 2007, I sent a letter by e-mail and U.S. Mail to Mr. Shartsis on Mr. Koch's behalf rejecting Mr. Greenberg's proposed settlement.

4. I was never in physical possession of Mr. Greenberg's check. It was held in our Newport Beach office where it had been sent. We have since returned Mr. Greenberg's check to Mr. Shartsis.

Executed on January 22, 2008, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Bruce A. Wessel